

Appl. No. 10/073,623  
Reply to Office Action Dated Aug. 25, 2006RECEIVED  
CENTRAL FAX CENTER

NOV 22 2006

**REMARKS**

With the foregoing amendment claims 1-30 are pending in the application. Claims 1, 10, and 21 are independent. No new matter has been added by the amendments. Applicants respectfully request reconsideration of the present application.

**Claim Objections**

Claim 3 has been amended as suggested by the Examiner. However, Applicant contends that claim 8 and 10 do not need to be amended as suggested by the examiner. Specifically, with respect to claim 8, it would be erroneous to amend "a shutter button press" to read "the shutter button press" because there is no antecedent basis for "the shutter button press." With respect to claim 10, it would be erroneous to amend "a current image" to read "the current image" because there is no antecedent basis for "the current image."

**Rejection of Independent Claim 1**

Claim 1 stands rejected under 35 U.S.C. § 102 as being anticipated by Needham (US 6,803,945). Applicant respectfully disagrees.

Needham does not anticipate claim 1 because Needham does not disclose all the elements of claim 1. For example, at the least, Needham does not disclose determining "if motion between said second image and said first image is below said at least one predetermined motion threshold and store said second image as a final image if the motion between said second image and said first image is below said at least one predetermined motion threshold," as is required by claim 1 (emphasis added).

Needham addresses a problem inherent in most web camera systems: the "conflict between the desire to minimize the number of times a web camera system dials up the Internet service provider and the desire to capture 'interesting' pictures." *Col. 2, lines 56-59.* To solve this problem Needham discloses a video camera that employs a motion detection algorithm that "captures a current image frame when a pixel comparison between successive image frames exceeds a predetermined threshold." *Col. 2, lines 25-27* (emphasis added).

**BEST AVAILABLE CCPY**

Appl. No. 10/073,623  
Reply to Office Action Dated Aug. 25, 2006

Thus, according to Needham's disclosure, only "interesting" pictures (e.g., those containing certain particular kinds of motion) are captured. *Col. 2, lines 59-60.*

In contrast to Needham, which stores images only if motion is above a certain threshold, the present invention is directed toward an image capturing device that stores images only if motion is below a certain threshold. In fact, if given the same relevant threshold, Needham and the present invention would never store the same images because Needham would store images when motion is above the threshold whereas the present invention would not store those images due to excessive motion. Accordingly, Needham cannot anticipate claim 1 because it does not disclose, in the very least, determining "if motion between said second image and said first image is below said at least one predetermined motion threshold and store said second image as a final image if the motion between said second image and said first image is below said at least one predetermined motion threshold," as is required by claim 1.

Applicant, therefore, respectfully requests that the rejection of claim 1 (and claims 2-9, which depend from claim 1) be withdrawn.

**Rejection of Independent Claim 10**

Claim 10 stands rejected under 35 U.S.C. § 102 as being anticipated by Needham (US 6,083,945). Applicant respectfully disagrees.

Needham does not anticipate claim 10 because Needham does not disclose all the elements of claim 10. For example, at the least, Needham does not disclose "converting said current image to be said previous image and repeating the step of capturing a new image as said current image and repeating the steps of comparing and determining if said current image is not stable," as is required by claim 10 (emphasis added). As discussed above in connection with claim 1, Needham stores images only when motion is above a certain threshold and ignores images when motion is below a threshold. The present invention, on the other hand, stores images only when they are determined to be stable (i.e., when motion is below a certain threshold). Accordingly, Needham does not anticipate claim 10 because Needham does not disclose, at the least, "converting said current image to be said previous image and repeating the step of capturing a new image as said current image and repeating

Appl. No. 10/073,623  
Reply to Office Action Dated Aug. 25, 2006

the steps of comparing and determining if said current image is not stable," as is required by claim 10. Applicant, therefore, respectfully requests that the rejection of claims 10 (and claims 11-20 which depend from claim 10) be withdrawn.

#### Rejection of Independent Claim 21

Claim 21 stands rejected under 35 U.S.C. § 102 as being anticipated by Needham (US 6,083,945). Applicant respectfully disagrees.

Needham does not anticipate claim 21 because Needham does not disclose all the elements of claim 21. For example, at the least, Needham does not disclose "storing the second image as a final image [if the second image is stable with regard to motion]," as is required by claim 21 (emphasis added). As discussed above in connection with claim 1, Needham stores images only when motion is above a certain threshold and ignores images when motion is below a threshold (e.g., when motion is stable). The present invention, on the other hand, stores images only when they are determined to be stable (i.e., when motion is below a certain threshold). Accordingly, Needham does not anticipate claim 21 because Needham does not disclose, at the least, "storing the second image as a final image [if the second image is stable with regard to motion]," as is required by claim 21. Applicant, therefore, respectfully requests that the rejection of claims 21 (and claims 22-30 which depend from claim 21) be withdrawn.

#### CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Appl. No. 10/073,623  
Reply to Office Action Dated Aug. 25, 2006

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	Brian Rosenbloom, Registration No.: 41,276				
SIGNATURE				DATE	11/22/06
Address	Rothwell, Figg, Ernst & Manbeck Suite 800, 1425 K Street, N.W.				
City	Washington	State	D.C.	Zip Code	20005
Country	U.S.A.	Telephone	202-783-6040	Fax	202-783-6031

BEST AVAILABLE COPY